

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KAREN CHAPON,

Defendant.

CASE NO.: 2:20-CR-00286-JCM-NJK

**ORDER**

Presently before the court is defendant Karen Chapon's *pro se* motion for compassionate release. (ECF No. 151). Chapon's appointed CJA counsel filed a supplement in support of her motion. (ECF No. 157). The government filed a response (ECF No. 158), to which Chapon replied (ECF No. 161). For the reasons stated below, the court DENIES Chapon's request for compassionate release.

Also before the court is the government's motion to seal Exhibit A of its response. (ECF No. 160).

**I. Background**

Karen Chapon pled guilty to one count of Bank Fraud in March 2024 and was sentenced to 30 months in custody. (ECF No. 146). Chapon has served approximately 8 months of her sentence. On January 2, 2025, Chapon filed a motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (ECF No. 151). The court then appointed CJA counsel to determine Chapon's eligibility for compassionate release. (ECF No. 155).

**II. Legal Standard**

Under 18 U.S.C. § 3582(c)(1)(A), a court may, in certain circumstances, grant a defendant's motion for compassionate release and reduce his term of incarceration to time served.

1 Before filing such a motion, the defendant must first petition the Bureau of Prisons (“BOP”) for  
2 compassionate release. *Id.* The court may grant the defendant's motion only if it was filed “after  
3 the defendant has fully exhausted all administrative rights to appeal a failure of the [BOP] to  
4 bring a motion on the defendant's behalf” or after 30 days have lapsed “from the receipt of such a  
5 request by the warden of the defendant's facility, whichever is earlier.” *Id.*

7 To grant compassionate release, the court must consider whether: (1) “extraordinary and  
8 compelling reasons” warrant release; (2) release would be “consistent with applicable policy  
9 statements issued by the Sentencing Commission;” and (3) release is warranted under the  
10 “particular circumstances of the case” based on the factors outlined in 18 U.S.C. § 3553(a).  
11 *United States v. Wright*, 46 F.4th 938, 945 (9th Cir. 2022). “Although a district court must  
12 conclude that a defendant satisfies all three predicates before granting a motion for  
13 compassionate release, it may deny compassionate release if a defendant fails to satisfy *any* of  
14 these grounds.” *Id.*

16 Under the most recent U.S. Sentencing Guidelines amendment, “extraordinary and  
17 compelling reasons” include (1) the defendant’s medical circumstances; (2) the defendant’s age;  
18 (3) the defendant’s family circumstances; (4) whether the defendant was a victim of abuse while  
19 serving his term of imprisonment; and (5) “other circumstance or combination of circumstances  
20 that, when considered by themselves or together with any of the reasons described above warrant  
21 compassionate release.” U.S.S.G. 1B1.13(b).

23 The court need not “provide a lengthy explanation” for its decision on compassionate  
24 release so long as “context and the record reflect that [it] considered the defendant’s substantive  
25 arguments and offered a reasoned basis” for its decision. *Wright*, 46 F.4th, at 950 (citations  
26 omitted). Ultimately, the decision to grant or deny compassionate release is within the district  
27  
28

1 court's discretion, but the defendant bears the burden of establishing his eligibility for  
2 compassionate release. *Id.* at 951; *United States v. Keller*, 2 F.4th 1278, 1284 (9th Cir. 2021).

### 3 **III. Discussion**

4 As an initial matter, and with good cause appearing, the court grants the government's  
5 motion to seal the defendant's medical records. (ECF No. 160).

#### 6 **A. Extraordinary and Compelling Reasons Warranting a Sentence Reduction**

7 After considering the applicable 18 U.S.C. § 3553(a) factors and Sentencing Commission  
8 policy statements, the court finds that compassionate release is not warranted in this case. In  
9 order to justify compassionate release, a defendant must show that her medical condition  
10 substantially diminishes her ability to provide self-care within the environment of a correctional  
11 facility and that she is not expected to recover from the condition(s). U.S.S.G. §1B1.13.

12 Chapon argues she is suffering from chronic migraines and is receiving insufficient care  
13 for hormone replacement therapy and other conditions. (ECF No. 151). Deterioration of a  
14 medical condition and insufficient medical care can weigh in favor of compassionate release.  
15 *United States v. Russell*, 1:21-cr-00158-DCN-2, 2024 WL 4851154 (D. Idaho Nov. 21, 2024).  
16 But the important question is whether the defendant is suffering from a medical condition that  
17 requires long-term or specialized medical care that is not being provided, and without which the  
18 defendant is at risk of serious deterioration in health. *Id.*; U.S.S.G. §1B1.13(b)(1)(C). Chapon  
19 falls short of that standard.

20 First, the record reflects that Chapon was prescribed daily medication to treat her  
21 migraines while in prison. *See* ECF No. 159 at 2 (Chapon's Medical Records, filed under seal).  
22 Suffering from persistent migraines, without more, is insufficient to warrant release. Chapon  
23 also contends that she requires bloodwork to stabilize her postmenopausal hormone therapy  
24  
25  
26  
27  
28

1 regimen which has been delayed. But Chapon’s motion is silent as to how her condition  
2 substantially diminishes her ability to care for herself. U.S.S.G. §1B1.13(b)(1)(C).

3       Moreover, Chapon fails to demonstrate how her condition is worsening or placing her at  
4 risk of serious health deterioration. *Russel*, 2024 WL 4851154. Indeed, Chapon contends that  
5 because of her family history of cancer, she is at “heightened risk for hormone-related  
6 malignancies.” ECF No. 161 at 3. But the mere possibility that Chapon may experience new  
7 medical conditions based on family history is not extraordinary, nor compelling.  
8

9       Chapon also argues that her family circumstances necessitate her release, claiming both  
10 her mother and mother-in-law require assisted care. To succeed, Chapon must make “a robust  
11 evidentiary showing” that she is the only available caregiver to her mother and mother-in-law,  
12 which she has not done. *United States v. Bragg*, No. 12CR3617-CAB (S.D. Cal. February 19,  
13 2021) (internal quotations omitted). Here, Chapon concedes she and her partner share the  
14 responsibility of caring for her mother-in-law. ECF No. 161 at 4.  
15

16       Further, Chapon alleges that her mother suffered two trans ischemic attacks and is in  
17 deteriorating health. While the court empathizes with Chapon’s circumstances, the deterioration  
18 of family members’ health does not constitute extraordinary and compelling reasons to warrant  
19 release. *United States v. Baye*, 464 F.Supp.3d 1178 (D. Nev. 2020) (declining compassionate  
20 release because “[m]any, if not all inmates, have aging and sick parents”) (quoting *United States*  
21 *v. Ingram*, No. 2:14-cr-40, 2019 WL 3162305 at \*2 (S.D. Ohio July 16, 2019).  
22  
23

24       Based on the foregoing reasons, the court finds Chapon does not present extraordinary or  
25 compelling reasons for compassionate release.

26 . . .

27 . . .  
28

1 B. U.S.S.G. § 3553(a) Sentencing Factors

2 Even if Chapon demonstrated extraordinary or compelling reasons for compassionate  
3 release, the court finds the applicable sentencing guideline factors weigh against release. *See* 18  
4 U.S.C. § 3553. Chapon pled guilty to one count of Bank Fraud and was sentenced to 30 months  
5 in custody. She has an underlying criminal history involving fraud. Most importantly, Chapon  
6 served only approximately 4 months of her sentence before filing the instant motion, which the  
7 court finds insufficient to achieve its sentencing goal. 18 U.S.C. § 3553(a)(2).  
8

9 Therefore, having considered Chapon's arguments and the applicable sentencing  
10 guideline factors, the court finds compassionate release is not warranted at this time.  
11

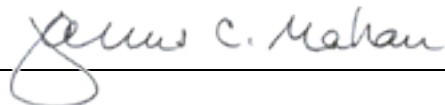
12 **IV. Conclusion**

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Chapon's motion for  
15 compassionate release (ECF Nos. 151) be, and the same hereby is, DENIED, in accordance with  
16 the foregoing.  
17

18 IT IS FURTHER ORDERED that the government's motion to seal (ECF No. 160) be, and  
19 the same hereby is, GRANTED.

20 DATED: April 16, 2025.

21  
22   
23  
24 UNITED STATES DISTRICT JUDGE  
25  
26  
27  
28